

FRANKFORT/FRANKLIN COUNTY BOARD OF ZONING ADJUSTMENTS
May 1, 2007

Vice Chairman Mitch Buchanan called the meeting to order at 5:30 p.m.
Recording Secretary Dawn McDonald called the roll.

MEMBERS PRESENT:

Mitch Buchanan
Kathy Peale
Barry Holder, Jr.
Paul Looney

MEMBERS ABSENT:

Joyce Honaker
David Jones

Chairman Mitch Buchanan called the meeting to order, introduced staff and swore in the staff and audience.

The first item of business was approval of the March 6, 2007 minutes. They asked that the minutes be changed to approve the January 2007 minutes instead of the July 2006 minutes. Ms. Peale made a motion to approve the minutes. The motion was seconded by Mr. Looney and carried unanimously.

The next item of new business was a request from Michael Henderson a request for a variance to allow an increase in the maximum lot coverage to allow the placement of a manufactured home on the property located at 705 Nineveh Road.

Robert Hewitt, Franklin County Planning Director was present for the staff report. Mr. Hewitt stated that Mr. Henderson applied for a Mobile Home Permit on a property that currently consists of a residential structure and attached garage. During the plan review, it was determined that due to the size of the existing and proposed structure the proposal exceeded the maximum lot coverage for the Rural Residential zoning classification. He stated per the Bulk, Density, and Height table of Section 4.114 of the Franklin County Zoning Ordinance, the maximum lot coverage is 10% and the proposal by the applicant is 12.2% lot coverage. Staff has two negative findings and only two positive findings therefore they recommend denial of the variance request.

Ms. Peale verified that the maximum lot coverage was 10% and the proposed was 12.2%. Ms. Peale asked if they thought about trimming the size of the home. Mr. Hewitt replied that he discussed with the applicant purchasing a smaller home or acquiring property from a neighbor but the applicant had exhausted those resources and decided to try for a variance. There were questions concerning the original permit process. Ms. Peale questioned the topography of the lot. From the audience Mr. Charlie Brown of 786 Nineveh Road stated that he is a neighbor and that he had spoke to neighbors and they are all opposed to there being a manufactured home on the lot, they believe it would be a detriment to their properties. Mr. Looney asked what the current house looks like and Mr. Brown replied that it looks like a huge garage in fact he didn't

even know anyone lived there. Mr. Buchanan asked if manufactured homes were permitted in the Rural Residential zone district, Mr. Hewitt replied yes and he described the required skirting.

Mr. John Baughman was present on behalf of the applicant Mr. Henderson. He pointed out that the surrounding area is mainly farm land and that at the beginning of the road just before the first developed property, there is a single style trailer. Mr. Baughman read a letter from a nearby neighbor stating that Mr. Henderson had rented a mobile home on their property for ten years and he has always taken care of the property and kept it clean. Mr. Baughman submitted the letter as an exhibit. Mr. Baughman stated that in 2003 Mr. Henderson went to the planning office to obtain a permit for a large garage that he also wanted to live in. Staff helped him develop a way to put an apartment in the garage knowing that he would later want to add a home and he agreed to alter the garage so that it would no longer be a single family residence. Mr. Baughman asked the applicant if he had ever been told about the ten percent rule, Mr. Henderson replied no. Mr. Baughman asked him if the first time he heard about the rule was from Mr. Hewitt after applying for the permit, Mr. Henderson replied yes. There was some discussion about the uniqueness of the property and the mixed uses, looking for positive findings. Mr. Baughman stated that the new home would block the view of the large garage because of the way the land lays. Justin O'Neal owner of lot 4C spoke about the property and said the home would not cover the building, he went on to say that he helped build the first house next to that old trailer at the beginning of the road and that they did a lot of landscaping to cover it up. J.C. Hosley of 895 Ninevah Road explained some of the topography, and indicated that he was not opposed to the home. There was some discussion. Mr. Buchanan stated that the board has to come up with positive findings or deny the case, he was able to come up with one positive but not another. Mr. Buchanan made a motion to deny the request. The motion was seconded by Mr. Holder and carried unanimously.

The next item of business was a request from William and Joyce Walton a request for a variance to decrease the building line setback from 25-feet to 20-feet for a sunroom addition at the rear of the principal structure located at 1218 Kimbel Drive.

Justin Evilsizor, City of Frankfort Planning Staff was present for the staff report. Mr. Evilsizor went over a slide presentation and stated that the property is considered a double-frontage lot due to Georgetown Road abutting the one property line and Kimbel Drive along the other. There is a twenty five foot setback and staff found two negative findings with only two positive findings therefore they recommend denial of the request. Mr. Logan asked if the size or shape of the lot caused them to have to move the house further back on the lot. Mr. Evilsizor replied and showed a slide that indicated that the subject property sits further back on the lot than others.

William and Joyce Walton were present and Mr. Walton stated that they retired here from their ministry in Owensboro. Their architects son designed their house and the architectural aspect is very important to them. His wife passed out some pictures, the pictures showed where everything is now and where the sunroom is proposed to be,

they pointed out that moving the sunroom down a few feet would interfere with the electric and air conditioning. They asked that the board consider their request for a variance. The board members asked questions of the applicant looking for positive findings. There was some discussion concerning the findings.

Ms. Peale made a motion for approval based on the following findings a) the specific conditions in detail are unique to the applicants land and do not exist on other land in the same zone. The shape and size of the lot, the setback it's unique in that it is a cul-de-sac and moving the sunroom to another spot would possibly incur some economic cost of moving the utility line and using a private space for a public road; b) relating to the symmetry, based on the size and shape of the lot the symmetry would already be off therefore they would not use the strict inference to the symmetry requirement. They also adopt the board's recommendation to state that a building permit should be secured prior to the installation of the sunroom. The motion was seconded by Mr. Holder and carried unanimously.

The next item of business was a request from Denham-Blythe Company Inc., on behalf of Capital Day School Board of Trustees, for a request of a conditional use permit to construct a 43,497 square foot elementary school with a capacity for 240 students on Tract 1A of Glenns Creek Road, with proposed access from Sower Boulevard.

Maya DeRosa, City of Frankfort Planning Supervisor was present for the staff report. She went over a slide presentation showing the site and the surrounding properties. She was able to find positive findings in her analysis therefore she recommended approval with the conditions listed in the staff report. Mr. Holder asked if they would be required to submit a development pan and traffic study. Mr. DeRosa replied yes and explained the process. Mr. Looney asked if this board needed to review that traffic study and she replied that would be addressed by the Planning Commission.

The applicants were present and asked the board for their favorable approval on this property. Mr. Holder asked about the timeframe or the target date for classes to start. They replied that they intend to start building this June and that construction should take nine months so they hope to start school there the next fall. The board asked if they had seen all the conditions and if they agreed with them, the applicant replied yes.

Mr. Holder made a motion to approve the Conditional Use Permit applied for by Capital Day School to construct a 43,497 sq.ft. school for 240 students on Tract 1A with the following conditions a) A traffic report is provided and found acceptable by the Planning Commissions Traffic Consultant; b) Any signage proposed in excess of 2 sq.ft. will require approval by this Board or the Planning Commission and such approval shall not require an amendment to this conditional use permit; c) The effectiveness of this conditional use permit shall commence upon the approval of a Development Plan application; d) The conditional use applies only for operation of a elementary school with a maximum enrollment of 240 children; e) The conditional use is permitted only at

Tract 1A between the East-West Connector (676), Glenn's Creek Road, and Sower Boulevard; f) The conditional use is granted only to Capital Day School; and g) The conditional use is not transferable and any change in ownership or use will make this approval null and void. The motion was seconded by Ms. Peale and carried unanimously.

Adjourn